

the purpose of the administration of government; but on the contrary, it hastened the effort to open the door to faction, insubordination and sedition, in all governments, because men are prone to rebel against unjust, oppressive and inhuman laws. That is a fundamental principle of government, declared and taught to us by the fathers of the republic, and we should not heedlessly neglect its teachings.

Has anything occurred within the limits of this State, to justify us in opening the door to this power of oppression? We know that when the power of confiscation and forfeiture of all property has been exercised, it has been by the exercise of the high hand of government, without resort to the civil authority. Now are we willing here to encourage the exercise of that power in that manner? I do not wish to see it exercised under any circumstances, even by the civil arm of the government. It has been indicated to us here that for the prevention of crime, we should do—what? why, visit upon innocent and helpless descendants and offsprings the punishment of crimes committed by their fathers. Now, although we are taught that He who made us all, and who governs the universe, does visit the sins of the father upon the helpless child, I have taken it with faith, not with the conviction of my judgment, or any reasoning of my finite understanding. It is one of those doctrines, above human comprehension, and which only, by looking to divine omnipotence, can we reason ourselves into the belief that it is right, because He who said it is the embodiment of all that is right. But with us poor weak mortals, with passions lashed into fury by the events which surround us, that we should undertake to arrogate to ourselves a policy and power like that, is beyond my comprehension.

Have you any clause in your bill of rights saying that a man shall or shall not be hung for this offence, or that offence? No, sir, it is left to the legislative arm of the government to prescribe and point out the measure of punishment for any offence committed under the criminal code. But here is a case pointed out substantially, clearly, specifically, permanently, which, whenever the exercise of the power has been permitted has been exercised by governments to abuse it, and to abuse it to the oppression of mankind, and more especially of the innocent part of it. Now, with these views, not upon any presumed theory that this is to prevent treason in all time to come, because the past history of criminal jurisprudence in all the world has provided that where you prescribe a punishment for an offence, unproportioned and over-violent, it is but an incentive to sedition and crime—that being true, I cannot see why we should, at this day, open the door to oppression. We are here to prevent the

probable exercise of oppression. We are here to make a Constitution to tie up the powers of your government, and prevent them from infringing upon private rights and the rights of the people in general. The people have sent us here to make a Constitution, and to prescribe and limit the powers that they are about to delegate to their agents, and tell them that they may go so far and no farther.

At this day, when I believe the tendency of opinion is to consolidation and power, I am opposed to the giving any power from the people to any branch of the government, the executive, judicial or the legislative, which it is not prominently and glaringly necessary to give to them. I would act upon the doctrine, conceded, I believe, to be a fundamental one, resting at the foundation of all government, that that government is best which governs least. It was a cardinal doctrine with the father—not of democracy, because I do not desire to use that term—but the author of the pillar of liberty, your Declaration of Independence, and for one I am willing to take his authority. There is no modern light, certainly none within the last three or four days, which it seems to me should lead the gentleman from Baltimore city (Mr. Stirling) to take this track. I am sure if he had gone to my section of the country, where there may have been men guilty of treason—but men who have taken their stand boldly with the enemy against their country—but who have left their innocent wives and children behind them, he would have seen them day by day turned out naked and helpless upon the cold charities of the world. Could that child, it may be five days old or twelve months old, have stayed the arm of the parricide of his country? I say that the man who would raise his arm against the government of his country is guilty of an offence for which no punishment can be inflicted upon his head too deep or too overwhelming in its character. But provide your punishment against the parricide; visit it upon him to any extent you please; but I implore you, by all the history of the past, by the scenes that are transpiring before our eyes daily, stay the hand, and let it not go beyond that extent. I have witnessed these things, and know that you cannot stay the hand of the parricide by telling him that if he commits this crime his innocent child shall suffer. A man who will be guilty of that offence, who will commit that crime, owns no domestic ties; because the traitor to his country is a traitor to his home, and no angelic looks and words of his offspring will stay his arm.

For these reasons I am opposed to this proposition. I believe that no good can result from it. And I endorse the more forcible argument of my friend from Anne Arundel (Mr. Miller) that if you undertake to tear from the lips of the perishing babes